

REMARKS/ARGUMENTS

This paper is submitted in response to the office action mailed January 13, 2006. At that time, claims 1-12, 15-22, 24-27 and 29-35 were pending in the application. In the Office Action, the Examiner allowed claims 1-7, 10-12 and 29-35. The Examiner objected to the drawings as failing to show every features specified in the claims. The Examiner also objected to claim 9. Claims 8, 16, 19 and 24-27 were rejected under 35 U.S.C. § 112, 1st paragraph as failing to comply with the written description requirement. Claims 8, 15-22 and 24-27 were rejected under 35 U.S.C. § 112, 2nd paragraph as being indefinite. However, the Examiner did also indicate that claims 15, 17, 18, and 20-22 would be allowable if rewritten or amended to overcome the rejection under § 112.

By this paper, the claims have been amended. Favorable consideration and allowance of the claims is respectfully requested.

I. Objection to the Drawings

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a) as failing to show all of the features recited in the claims. Specifically, the Examiner asserted that various elements found in claims 8, 16, and 24-27 were not properly shown in the drawings. As a result of this paper, claims 8, 16, and 24-27 have been canceled. Accordingly, Applicants submit that the drawings are proper and withdrawal of this drawing objection is respectfully requested.

II. Objection to Claim 9

The Examiner objected to claim 9 under 37 C.F.R. § 1.75(c) for failing to further limit the subject matter of the prior independent claim. As a result of this paper, claim 9 has been canceled. Withdrawal of this objection is respectfully requested.

III. Rejection of Claims 8, 16,19 and 24-27 Under § 112, 1st Paragraph

The Examiner rejected claims 8, 16, 19 and 24-27 under 35 U.S.C. § 112, 1st paragraph as failing to comply with the written description requirement. In response to this rejection,

Applicants have canceled claims 8, 16, 19 and 24-27 from the application. However, with respect to claim 19, Applicants respectfully traverse this rejection.

The test for determining whether the written description requirement is satisfied is whether, as of the filing date of the application, the applicant conveys to those of skill in the art that he or she was in possession of the invention as recited in the claims. *See MPEP § 2163.02.* Generally, this issue involves determining whether the subject matter of the claim is disclosed and taught in the specification and other parts of the application.

Here, with respect to claim 19, Applicants have clearly satisfied this standard. Claim 19 depends from claim 15, and thus, includes the limitations related to the “piston device.” However, claim 19 further limits claim 15 by stating that the “the displacement of the seat approximates curvilinear translation of the seat.” As filed, the specification clearly teaches that “curvilinear translation of the seat” may occur with the piston-containing embodiment of claim 15. Specifically, page 19, lines 13-17 of the specification discusses the piston-containing structure and clearly teaches that, in an alternative embodiment, the “piston device” is oriented “laterally,” which allows (with the other described features) the seat to “move in curvilinear translation.”¹ Thus, there is no doubt that, as of the filing date of the application, applicants clearly conveyed to one of skill in the art that they were in possession of the subject matter of claim 19. Withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 8, 15-22 and 24-27 Under § 112, 2nd Paragraph

The Examiner rejected claims 8, 15-22, and 24-27 under 35 U.S.C. § 112, 2nd paragraph as being indefinite. With respect to claims 8, 16, and 24-27, these claims have been canceled. With respect to claims 15, 17, 18, and 20-22, this paper has amended independent claim 15 to address this issue. Withdrawal of this rejection is respectfully requested.

Further, with respect to claim 19, Applicants submit that the Examiner’s statement that this claim is “drawn to a different embodiment than the embodiment in Claim 15” is incorrect. As explained above, the specification clearly teaches that the subject matter of claim 19 also properly relates to the embodiment of the piston device of claim 15. Accordingly, there is no

¹ Moreover, even if this description is somehow considered to be inadequate, claim 19 is support, of itself, that this subject matter was in the possession of the applicant as of the filing date. *See MPEP § 2163.06.*

basis for rejecting this claim as indefinite under § 112. Withdrawal of this rejection is respectfully requested.²

V. New Claim 36

By this paper, Applicants have added new claim 36 to depend from claim 15 and recite that “the floor is stiffened to further protect a vehicle occupant.” Support for this claim is found in the specification at page 18, lines 18-23. Applicant submits that this claim is allowable and fully supported; favorable is respectfully requested.

VI. Conclusion

For the reasons set forth above, the pending claims are all allowable, and thus, Applicants respectfully request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,



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² The Examiner indicated in the Office Action that claims 15, 17, 18, and 20-22 would be allowable if rewritten or amended to overcome the rejection under § 112. By this paper, Applicant has overcome the rejection of § 112. Immediate allowance of these claims is respectfully requested.